

Sweden and Norway

FRIENDSHIP AND COMMERCE

Treaty signed at Stockholm September 4, 1816

Senate advice and consent to ratification, with the exception of articles 3, 4, and 6, February 19, 1817

Ratified by the President of the United States, with the exception of articles 3, 4, and 6, May 27, 1818

Ratified by Sweden and Norway July 24, 1818

Ratifications exchanged at Stockholm September 25, 1818

Entered into force September 25, 1818

Proclaimed by the President of the United States December 31, 1818

Expired September 25, 1826

8 Stat. 232; Treaty Series 347 ¹

[TRANSLATION]

In the name of the most holy and indivisible Trinity.

The United States of America and His Majesty the King of Sweden and Norway, equally animated with a sincere desire to maintain and confirm the relations of friendship and commerce which have hitherto subsisted between the two states, and being convinced that this object can not be more effectually accomplished than by establishing, reciprocally, the commerce between the two states upon the firm basis of liberal and equitable principles equally advantageous to both countries, have named to this end plenipotentiaries, and have furnished them with the necessary full powers to treat and in their name to conclude a treaty; to wit: the President of the United States, Jonathan Russell, a citizen of said United States and now their Minister Plenipotentiary at the Court of Stockholm; and His Majesty the King of Sweden and Norway, His Excellency the Count Laurent d'Engeström, his Minister of State for Foreign Affairs, Chancellor of the University of Lund, Knight Commander of the Orders of the King, Knight of the Order of Charles XIII,

¹ For a detailed study of this treaty, see 2 Miller 601.

Grand Cross of the Orders of St. Etienne of Hungary, of the Legion of Honor of France, of the Black Eagle and of the Red Eagle of Prussia, and the Count Adolphe George De Mörner, his Counselor of State and Commander of the Order of the Polar Star; and the said plenipotentiaries, after having produced and exchanged their full powers, found in good and due form, have agreed on the following articles:

ARTICLE 1

There shall be between all the territories under the dominion of the United States of America and of His Majesty the King of Sweden and Norway, a reciprocal liberty of commerce. The inhabitants of either of the two countries shall have liberty, with all security for their persons, vessels, and cargoes, to come freely to all ports, places, and rivers within the territories of the other into which the vessels of the most favored nations are permitted to enter. They can there remain and reside in any part whatsoever of the said territories; they can there hire and occupy houses and warehouses for their commerce; and, generally, the merchants and traders of each of the two nations shall enjoy in the other the most complete security and protection for the transaction of their business, being bound, alone, to conform to the laws and statutes of the two countries respectively.

ARTICLE 2

No other or higher duties, imposts, or charges whatsoever, shall be imposed on the importation into the territories of His Majesty the King of Sweden and Norway of the produce or manufactures of the United States, nor on the importation into the United States of the produce or manufactures of the territories of His Majesty the King of Sweden and Norway, than those to which the same articles would be subjected in each of the two countries respectively, if these articles were the growth, produce, or manufacture of any other country. The same principle shall likewise be observed in respect to exportation, in such manner that in each of the two countries respectively, the articles which shall be exported for the other cannot be charged with any duty, impost, or charge whatsoever, higher or other than those to which the same articles would be subjected if they were exported to any other country whatever.

Nor shall any prohibition be imposed on the exportation or importation of any article, the growth, produce, or manufacture of the territories of His Majesty the King of Sweden and Norway or of the United States, to or from the said territories of His Majesty the King of Sweden and Norway or to or from the said United States, which shall not equally extend to all other nations.

Swedish or Norwegian vessels arriving in ballast, or importing into the United States the produce or manufactures of their countries, or exporting

from the United States the produce or manufactures of said States, shall not be obliged to pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges whatsoever, than those which the vessels of the United States would pay in the same circumstances; and, vice versa, the vessels of the United States arriving in ballast, or importing into the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of the United States, or exporting from the territories under the dominion of His Majesty the King of Sweden and Norway the produce or manufactures of these territories, shall not pay, either for the vessels or the cargoes, any other or higher duties, imposts, or charges whatsoever, than those which would be paid if these articles were transported by Swedish or Norwegian vessels respectively.

That which is here above stipulated shall also extend to the Swedish colony of Saint-Barthélemy, as well in what relates to the rights and advantages which the vessels of the United States shall enjoy in its ports as in relation to those which the vessels of the colony shall enjoy in the ports of the United States, provided the owners are inhabitants of Saint-Barthélemy and there established and naturalized and shall have there caused their vessels to be naturalized.

ARTICLE 3 ²

His Majesty the King of Sweden and Norway agrees that all articles, the growth, produce, or manufacture of the West Indies, which are permitted to be imported in Swedish or Norwegian vessels, whether these articles be imported directly or indirectly from said Indies, may likewise be imported into its territories in vessels of the United States, and there shall not be paid, either for the said vessels or the cargoes, any higher or other duties, imposts, or charges whatsoever, than those which would be paid by Swedish or Norwegian vessels in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid misapprehension in this respect, it is expressly declared that the term "West Indies" ought to be taken in its most extensive sense, comprising all that portion of the earth, whether mainland or islands, which at any time has been denominated the West Indies, in contradistinction to that other portion of the earth denominated the East Indies.

ARTICLE 4 ²

The United States of America on their part agree that all articles, the growth, produce, or manufacture of the countries surrounding the Baltic Sea or bordering thereon, which are permitted to be imported in vessels of the United States, whether these articles be imported directly or indirectly

² Arts. 3, 4, and 6 were excepted in the Senate's resolution of advice and consent and in the President's instrument of ratification.

from the Baltic, may likewise be imported into the United States in Swedish or Norwegian vessels; and there shall not then be paid for the said vessels or for the cargoes any higher or other duties, imposts, or charges whatsoever, than those which would be paid by vessels of the United States in the same circumstances, with an addition only of ten per centum on the said duties, imposts, and charges, and no more.

In order to avoid all uncertainty in respect to the duties, imposts, or charges whatsoever, which a vessel belonging to the citizens or subjects of one of the contracting parties ought to pay on arriving in the ports of the other with a cargo consisting partly of articles, the growth, produce, or manufacture of the country to which the vessel belongs, and partly of any other merchandise, which the said vessel is permitted to import by the preceding articles, it is agreed that in case a cargo should be thus mixed, the vessel shall always pay the duties, imposts, and charges, according to the nature of that part of the cargo which is subjected to the highest duties, in the same manner as if the vessel imported this sort of merchandise only.

ARTICLE 5

The high contracting parties grant mutually the liberty of having in the places of commerce and ports of the other, consuls, vice consuls, or commercial agents, who shall enjoy all the protection and assistance necessary for the due discharge of their functions. But it is here expressly declared that in case of illegal or improper conduct in respect to the laws or Government of the country to which they are sent, the said consul, vice consul, or agent may be either punished according to law, dismissed, or sent away by the offended Government, that Government assigning to the other the reasons therefor. It is, nevertheless, understood that the archives and documents relative to the affairs of the consulate shall be protected from all examination and shall be carefully preserved, being placed under the seal of the consul and of the authority of the place where he shall have resided.

The consuls and their deputies shall have the right, as such, to act as judges and arbitrators in the differences which may arise between the captains and crews of the vessels of the nation whose affairs are entrusted to their care. The respective Governments shall have no right to interfere in matters of this kind, except the conduct of the captain and crew shall disturb the peace and tranquility of the country in which the vessel may be, or that the consul of the place shall feel himself obliged to resort to the interposition and support of the executive authority to cause his decision to be respected and maintained. It being, nevertheless, understood that this kind of judgment or award shall not deprive the contending parties of the right which they shall have, on their return, to recur to the judicial authorities of their own country.

ARTICLE 6³

In order to prevent all dispute and uncertainty in respect to what may be considered as being the growth, produce, or manufacture of the contracting parties respectively, it is agreed that whatever the chief or intendant of the customs shall have designated and specified as such in the clearance delivered to the vessels which depart from the European ports of His Majesty the King of Sweden and Norway, shall be acknowledged and admitted as such in the United States; and that, in the same manner, whatever the chief or collector of the customs in the ports of the United States shall have designated and specified as the growth, produce, or manufacture of the United States, shall be acknowledged and admitted as such in the territories of His Majesty the King of Sweden and Norway. The specification or designation given by the chief of the customs in the colonies of His Majesty the King of Sweden and Norway, and confirmed by the governor of the colony, shall be considered as sufficient proof of the origin of the articles thus specified or designated to obtain for them admission into the ports of the United States accordingly.

ARTICLE 7

The citizens or subjects of one of the contracting parties, arriving with their vessels on any coast belonging to the other but not willing to enter into port, or being entered into port and not willing to unload or break bulk, shall have liberty to depart and to pursue their voyage without molestation and without being obliged to render account of their cargo or to pay any duties, imposts, or charges whatsoever on the vessels or cargo, excepting only the dues of pilotage, when a pilot shall have been employed, or those of quayage or light money whenever these dues are paid in the same circumstances by the citizens or subjects of the country. It being, nevertheless, understood that whenever the vessels belonging to the citizens or subjects of one of the contracting parties shall be within the jurisdiction of the other, they shall conform to the laws and regulations concerning navigation and the places and ports into which it may be permitted to enter, which are in force with regard to the citizens or subjects of the country;⁴ and it shall be lawful for the officers of the customs in the district where the said vessels may be, to visit them, to remain on board, and to take such precautions as may be necessary to prevent all illicit commerce while such vessels remain within the said jurisdiction.

³ See footnote 2, p. 870.

⁴ The words "with regard to the citizens or subjects of the country" are a mistranslation; "with regard to the most favored nations" would be a correct equivalent of the French; the difference in the sense is important. [2 Miller 607.]

ARTICLE 8

It is also agreed that the vessels of one of the contracting parties, entering the ports of the other, shall be permitted to discharge a part only of their cargoes whenever the captain or owner shall desire so to do, and they shall be allowed to depart freely with the remainder without paying any duties, imposts, or charges whatsoever, except on that part which shall have been landed, and which shall be marked and noted on the list or manifest containing the enumeration of the merchandise which the vessel ought to have on board, and which list ought always to be presented, without reservation, to the officers of the customs at the place where the vessel shall have arrived; and nothing shall be paid on the part of the cargo which the vessel takes away; and the said vessel may proceed therewith to any other port or ports in the same country into which vessels of the most favored nations are permitted to enter, and there dispose of the same; or the said vessel may depart therewith to the ports of any other country. It is, however, understood that the duties, imposts, or charges which are payable on the vessel itself, ought to be paid at the first port where it breaks bulk and discharges a part of the cargo, and that no such duties or impositions shall be again demanded in the ports of the same country where the said vessel may thereafter enter, except the inhabitants of the country to be subjected to further duties in the same circumstances.

ARTICLE 9

The citizens or subjects of one of the contracting parties shall enjoy in the ports of the other, as well for their vessels as for their merchandise, all the rights and privileges of *entrepôt* which are enjoyed by the most favored nations in the same ports.

ARTICLE 10

In case any vessel belonging to either of the two states or to their citizens or subjects, shall be stranded, shipwrecked, or have suffered any other damage on the coasts under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted them to return to their own country. The ships and merchandise wrecked, or the proceeds thereof if the effects be sold, being claimed in a year and a day by the owners or their attorney, shall be restored on paying the same costs of salvage, conformably to the laws and usages of the two nations, which the citizens or subjects of the country would pay in the same circumstances. The respective Governments shall watch over the companies which are or may be instituted for saving shipwrecked persons and property, that vexations and abuses may not take place.

ARTICLE 11

It is agreed that vessels arriving direct from the United States at a port

under the dominion of His Majesty the King of Sweden and Norway, or from the ports of His said Majesty in Europe at a port of the United States, furnished with a certificate of health from the competent health officer of the port whence they took their departure, certifying that no malignant or contagious disease existed at that port, shall not be subjected to any other quarantine than such as shall be necessary for the visit of the health officer of the port at which they may have arrived, but shall, after such visit, be permitted immediately to enter and discharge their cargoes; provided always, that there may not be found any person on board who has been, during the voyage, afflicted with a malignant or contagious disease, and that the country from which the vessel comes may not be so generally regarded at the time as infected or suspected, that it has been previously necessary to issue a regulation by which all vessels coming from that country are regarded as suspected and subjected to quarantine.

ARTICLE 12

The Treaty of Amity and Commerce concluded at Paris in 1783⁵ by the plenipotentiaries of the United States and of His Majesty the King of Sweden, is renewed and put in force by the present treaty in respect to all which is contained in the second, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty-first, twenty-second, twenty-third, and twenty-fifth articles of the said treaty, as well as the separate articles one, two, four, and five, which were signed the same day by the same plenipotentiaries; and the articles specified shall be considered to have as full force and vigor as if they were inserted word for word; provided, nevertheless, that the stipulations contained in the articles above mentioned shall always be considered as making no change in the conventions previously concluded with other friendly and allied nations.

ARTICLE 13

Considering the distance of the respective countries of the two high contracting parties and the uncertainty that results therefrom in relation to the various events which may take place, it is agreed that a merchant vessel belonging to one of the contracting parties and destined to a port supposed to be blockaded at the time of her departure, shall not, however, be captured or condemned for having a first time attempted to enter the said port, unless it may be proved that the said vessel could and ought to have learned on her passage, that the place in question continued to be in a state of blockade. But vessels which, after having been once turned away, shall attempt a second time during the same voyage to enter the same port of the enemy while the blockade continues, shall be liable to detention and condemnation.

⁵ Treaty between the United States and the King of Sweden signed at Paris Apr. 3, 1783 (TS 346, *ante*, p. 710, SWEDEN).

ARTICLE 14

The present treaty, when the same shall have been ratified by the President of the United States by and with the advice and consent of the Senate, and by His Majesty the King of Sweden and Norway, shall continue in force and be obligatory on the United States and His Majesty the King of Sweden and Norway for the term of eight years from the exchange of the ratifications; and the ratifications shall be exchanged in eight months from the signature of this treaty, or sooner if possible.

In faith whereof the respective plenipotentiaries have signed the present treaty and have thereunto set the seal of their arms. Done at Stockholm the fourth day of September in the year of grace one thousand eight hundred and sixteen.

JON ^a RUSSELL	[SEAL]
LE COMTE D'ENGESTRÖM	[SEAL]
LE COMTE A. G. DE MÖRNER	[SEAL]